

Remarks

The Examiner has rejected claims 2-5, 7, 8, 11 and 12 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 has now been amended so that 'set up agent' is replaced with 'adjusting means' this adjusting means comprises one or more of the elements 58, 76, and 78 described in the specification. Claim 4 has been amended to state that the adjusting means includes the flow control valve 58. Claim 5 has been cancelled. Claim 7 has been amended to state that the adjusting means specifically includes the pipe break safety valve 76.

The Examiner has rejected claims 1, 9 and 11 under 35 USC 102(b) as being anticipated by US Patent 6,405,633 to Dueckinghaus. It is respectfully submitted that the claims as amended distinguish over the Dueckinghaus reference. More particularly, Dueckinghaus does not disclose or suggest a valve arrangement controlled as a function of a volume flow. the present invention allows a safety function against uncontrolled lowering of a boom in case of unintentional switching into the flow position when the boom is loaded.

The Examiner has also rejected claims 1, 9 and 10 under 35 USC 102(b) as being anticipated by Japan 10-168,949. It is respectfully submitted that the claims distinguish over the Japan '949 reference. More particularly, Japan '949 does not disclose or suggest a load holding valve that opens as a function of the pressure in the second supply line. Additionally, Japan '949 does not show any devices controlling as a function of volume flow, so no safety functions are given in the regular working or floating positions.

The Examiner has also rejected claims 1, 2 and 9 under 35 USC 102(b) as being anticipated by US Patent 3,472,127 to Scheidt. It is respectfully submitted that the claims distinguish over the Scheidt reference. More particularly, Scheidt does not show any feature to control as a function of volume flow in the floating position.

The Examiner has also rejected claims 10 and 13 as being unpatentable over

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Scheidt in view of US Patent 4,024,796 to Theobald and Dueckinghaus. Claim 10 has now been cancelled and claim 13 amended to depend from claim 1. Because of the reasons stated above with respect to claim 1 it is submitted that claim 13 is distinguished over the cited references.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.


Respectfully,



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